Appln. No. 09/991,096
Amendment dated March 20, 2006
Reply to Office Action mailed January 19, 2006

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 34 remain in this application. No claims have been
cancelled, withdrawn or added.

Claims 1 through 34 have been finally rejected under 35 U.S.C.
§102(e) as being anticipated by Capps et al.

As previously noted, the Capps patent discusses a system for
migrating settings form one computer to another computer, usually when the
user will no longer use a "source computer" and is going to use a
"destination client" in the future with the same settings as the source
computer.

Claim 27 of the present application requires that "the data related to
the user's interaction includes *a screen capture*", claim 28 requires that "the
data related to the user's interaction comprises data about *a time period that
a dialog box is open during the initial setup* of the user information
handling system", claim 29 requires that "the data related to the user's
interaction comprises data about *a time period between two designated
events during the initial setup* of the user information handling system",
claim 30 requires that "the data related to the user's interaction comprises
data about a *utilization of a "HELP" button during the initial setup* of the
user information handling system", and claim 31 requires that "the data
related to the user's interaction comprises data about *an error message
displayed during the initial setup* of the user information handling system"
(all emphasis added). These claims all recite specific requirements of the
claimed invention.

In the final Office Action, the portion of the Capps patent cited as
teaching these requirements has been expanded to include the text at col. 1,

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lines 13 through 62, which is reproduced below (emphasis added):

   The personal computer of today is a powerful machine that is
infinitely configurable to suit the personality and tastes of the user.
When first placed in service, a computer system is typically
configured with default system settings (e.g., display parameters,
passwords, application settings, etc.) set by the original equipment
manufacturer of the computer system (hardware/software). Over time
the user of the computer system will modify these default settings as
well as add new applications and online services to personalize the
operating environment of the computer to better suit the user's
personality, tastes, mood, etc. For example, a typical user will modify
the monitor background display (sometimes referred to as
"wallpaper"), install a custom screen saver, install applications,
modify/personalize application settings, register for and utilize online
services, and the like to personalize the operating environment of the
computer system. While modification of any one of these individual
parameters rarely takes more than a few moments for the computer
literate to accomplish, a substantial amount of time is spent in the
aggregate to make all of the modifications required to personalize a
computer's operating environment.
   With the rapid advance of computer technology expanding the
practical application of personal computers, coupled with a near-
quarterly reduction in computer system prices, the life-span of
computer systems has been effectively reduced, as consumers desire
the newest hardware to take advantage of the newest software and
services available. Those in the computing industry want to encourage
this trend, increasing sales of new computers and associated software
and services. A drawback associated with the purchase of a new
computer system, given all of the time and effort spent to personalize
the old computer system, is that no convenient method or system
currently exists to transport the configuration information, e.g.,
system settings, passwords, application configurations, online service
provider account information, and the like, from one computer to
another. Consequently, the user is typically only left with the option
of manually configuring the new computer system. In a computer
running the Windows operating system, this task of manually
configuring system parameters is eased by grouping a number of the
more configurable aspects of the operating system within the "Control
Panel", wherein a user can manually configure display parameters,
networking parameters, passwords, etc. While this is merely a
nuisance to the computer-literate, it can be a daunting task to a large
segment of the computing public, who typically resort to paying for a
technician to come in and configure the system settings, application
parameters and the online service accounts.

However, this portion of the Capps patent is completely silent as to these

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particularized requirements regarding the data, and it is submitted that one of ordinary skill in the art would never arrive at these requirements from this discussion in Capps. More specifically, nothing here mentions anything about "detecting and uploading data characterizing the user's interaction" (claim 1) that includes "a screen capture" (claim 27), "a time period that a dialog box is open during the initial setup" (claim 28), a time period between two designated events during the initial setup" (claim 29), "a utilization of a "HELP" button during the initial setup" (claim 30), and "an error message displayed during the initial setup" (claim 31). One cannot simply take the general classes of information set forth in the Capps patent and say that they anticipate these specific requirements. Therefore, it is submitted that the Capps patent is incapable of teaching these elements of the claimed invention to one of ordinary skill in the art considering Capps.

Further, claim 33 requires that "the step of uploading the user interaction data to the network is initiated *after a specific number of boot operations after an initial boot operation* on the user information handling system", and claim 34 requires that "the step of uploading the user interaction data to the network is initiated *after a predetermined time period after an initial boot operation* on the user information handling system". The rejection of the Office Action cites the Capps patent at col. 7, line 58 through col. 8, line 15, which states (emphasis added):

> To collect the configuration information defined by the configuration profile, data mining agent 304 <u>covertly accesses data stored on the client computer in well known locations associated with the particular operating system of the client</u>, to collect the configuration information. To do so, data mining agent 304 opens select data files, e.g., system registry files, cookie files, control panel files, and the like through the client computer's operating system and copies select information from such files into the migration file created by mining agent 304 and associated with the user. To compile the information, data mining agent 304 may well be downloaded by controller 302 and executed locally on the user's client computer. According to one implementation, data mining agent 304 is an ActiveX control that is downloaded to the user's computer and invoked by controller 302. In alternate implementations, data mining agent 304

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> collects the information from migration manager 116 by constructing
> and issuing commands to collect the required information from the
> remote client computer via network 110. Moreover, although data
> mining agent 304 has been described above as an ActiveX control,
> other operating system-independent application language such as, for
> example, the Java language, HyperText Markup Language (HTML),
> eXtensible Markup Language (XML) and the like may well be utilized
> to create data mining agent 304 without deviating from the spirit and
> scope of the present invention.

Again, nothing here makes *any* mention of any uploading of data *"after a specific number of boot operations after an initial boot operation"*, or *"after a predetermined time period after an initial boot operation"* on the user information handling system. In fact, there is no mention in this portion of Capps as to the timing of any actions taken, much less after a "specific number of boot operations" or a "predetermined time period" after an initial boot operation. It is therefore submitted that the Capps patent cannot be correctly said to teach these features of the claimed invention.

As previously noted, claim 1, particularly as amended, requires "a user information handling system configured to detect and upload *data characterizing the user's interaction with the user information handling system during an initial setup* of the user information handling system". Claim 10 requires "a user information handling system capable of detecting and uploading data related to the user's out-of-box interaction with the user information handling system *during initialization*". Claim 12 requires "initializing the user information handling system including user interaction detecting capability, by the user" and "detecting, *during the initializing by the user*, data related to the user's interactions with the information handling system during initialization." (All emphasis added.)

One of the primary portions of the Capps disclosure that is being relied upon is the paragraph at col. 3, line 56 through col. 4, line 7, which states (emphasis added):

Migration manager 116, as will be developed more fully below with reference to FIG. 3, automatically collects configuration information, i.e., system setting, passwords, online service account information, and the like from a source computer to populate a migration file and, subsequently, configure a destination computer using the configuration information from the source computer. It is to be appreciated that the present invention need not utilize a dedicated migration file, but may simply add text describing the configuration information to an email message. During an initial access by the user using a source client computer, e.g., client 106, an instance of migration manager 116 is invoked. A unique identifier associated with either the user or the user's computer system (hardware and/or software) is automatically detected during the initial access, whereupon migration manager 116 compiles configuration information from the source computer to create the migration file, which is stored on data source 118 in the user migration information files 400.

However, as the Capps patent discusses a system for migrating information from one computer to another computer, presumably at the end of the useful life of the source computer, it is clear that the information collected from the source computer is not information or data that is being entered or configured by the user as part of any initialization of the source computer. In fact, Capps is discussing the exact opposite of the scenario presented by the claimed invention—collecting information long after the computer has been initialized. In the present invention, and as reflected in the "during an initial setup", "during initialization", and *during the initializing by the user*" requirements of the claims, it is the information that is being entered into the information handling system during the initialization that is being detected and uploaded. Again, in contrast, Capps leads one of ordinary skill in the art to understand that information is being gathered from a computer that has already been setup or initialized, so that that information can be used to setup a different computer from the one being scanned.

Further, claim 20 requires "detecting an initialization of a user *when the user sets up a user information handling system*" and "saving the initialization activity *detected in said detecting step* to a file". Similarly, but not identically, claim 22 requires "means for detecting an initialization

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activity of a user *when the user initializes an information handling system*"
and "means for saving the initialization activity *detected by said monitoring
means* to a file". Clearly, as noted above, the Capps system is not active
during any initialization of the source computer from which it is compiling
"migration" information, and thus is not "saving the initialization activity
detected in said detecting step to a file" as required by claim 20. The Capps
patent clearly discusses the collection of information from the source
computer long after its initialization, as the user is desirous of moving to
another computer, and there is nothing here that suggests that the Capps
system is collecting any user interaction data or initialization activity from
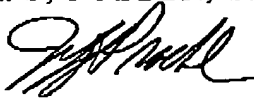the "new" computer being initialized.

It is therefore submitted that the Capps patent would not lead one of
ordinary skill in the art to the applicant's claimed invention as defined in
claims 1, 12, 20, 22, and 23, especially with the requirements set forth
above, and therefore it is submitted that claims 1, 12, 20, 22, and 23 are
allowable over the prior art.

CONCLUSION

In light of the foregoing amendments and remarks, early
reconsideration and allowance of this application are most courteously
solicited.

Respectfully submitted,

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